GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

IT,E&C Department – Indian Telegraph Right of Way Rules, 2016 notified by the Government of India (GoI) - Amendments issued by Department of Telecommunications (DoT), Government of India (GoI) in 2017, 2021 and 2022 - Andhra Pradesh Right of Way (RoW) Guidelines 2023– Process of granting permission for installation of Underground and Overground Infrastructure - Orders – Issued

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INFORMATION TECHNOLOGY, ELECTRONICS & COMMUNICATIONS DEPARTMENT
(Communications Wing)

G.O. Ms.No.2 **Dated: 26.05.2023**

Read the following:

1. G.O.Ms.No.5, Finance and Planning Department, Dated 11.02.2000.
2. G.O.Ms.No.18, IT,E&C Department, Dated 27.10.2000.
3. Circular Memo No.2084/IT&C/2001, Dated 10.10.2001.
4. G.O.Ms.No.45, IT,E&C Department, Dated 17.10.2001.
5. G.O.Ms.No.46, IT,E&C Department, Dated 20.10.2001.
6. G.O.Ms.No.183, MA&UD Department, Dated 27.02.2008.
7. G.O.Ms.No.334, PR&RD Department, Dated 09.10.2012.
8. G.O.Ms.No.2, MA&UD Department, Dated 01.01.2013.
9. G.O.Ms.No.4, MA&UD Department, Dated 02.01.2013.
10. G.O.Ms.No.380, MA&UD Department, Dated 01.08.2013.
11. G.O.Ms.No.12, IT,E&C Department, Dated 28.07.2014.
12. G.O.Ms.No.20, IT,E&C Department, Dated 26.09.2014.
13. G.O.Ms.No.203, MA&UD Department, Dated 01.10.2014.
14. G.O.Ms.No.25, IT,E&C Department, Dated 09.12.2014.
15. Memo No.569/IT/IT,E&C/Comm/2014, Dated 15.12.2014.
16. Circular Memo No.5744/ITE&C/CP/2014 Dated 22.12.2014.
17. G.O.Ms.No.1, IT,E&C Department, Dated 02.01.2015
18. G.O.Ms.No.146, MA&UD Department, Dated 19.06.2015.
19. Gazette of India G.S.R.No.1070, DoT, GoI dated 15.11.2016 notifying the Indian Telegraph Right of Way (RoW) Rules, 2016.
20. Gazette of India, G.S.R.624(E), DoT, GoI Dated 19.06.2017.
21. G.O.Ms.No.60, TR&B Department Dated: 07.11.2017.
22. G.O. Ms.No.2, TR&B Department Dated: 04.01.2019.
23. G.O. Rt. No.12, IT,E&C Department Dated 25.03.2021.
24. G.O. Rt. No.13, IT,E&C Department Dated 25.03.2021.
25. G.O.RT.No.3286, General Administration Department (SC-D), Dated:30-09-2014.
26. G.O.Ms.No.75, PR&RD Department, Dated 29.07.2015.
27. Gazette of India, G.S.R.407(E), DoT, GoI Dated 21.04.2017.
28. Gazette of India, G.S.R.749(E), DoT, GoI Dated 21.10.2021.
29. G.O.Ms.No.76, MA&UD Department, Dated 10.06.2022.
30. Gazette of India, G.S.R.635(E), DoT, GoI Dated 17.08.2022.
31. G.O.Ms.No.8, PR&RD Department, Dated 10.02.2023.

P.T.O

32. Gazette of India, G.S.R.06(E), DoT, GoI Dated 03.01.2023 notifying the Indian Telegraph (Infrastructure Safety) Rules, 2016.

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ORDER:

1. **Context**

The Government of Andhra Pradesh (GoAP) is making efforts to promote Information and Communication Technology (ICT) infrastructure in the State with the objective of improving the state of economy, enhancing the quality of life of the citizens, provide good governance and ensure development with equality. These efforts require availability of a robust telecommunication infrastructure with adequate bandwidth across the length and breadth of the State.

The globally accepted method of creating broadband networks is through laying optical fiber as backbone. The optical fiber is to be laid along roads like the National highways, State Highways and other road networks belonging to the Transport, Roads & Buildings (TR&B), Panchayat Raj & Rural Development (PR&RD), Municipal Administration & Urban Development (MA&UD) and Environment, Forests, Science and Technology (EFS&T) Departments.

The Telecom Service Providers (TSPs) are licensed by the Department of Telecommunications (DoT) to provide telecom services in the State, and have been approaching the State Government for Guidelines for the issue of Right of Way (RoW) permissions for developing the Telecom infrastructure within the State. The departments of the GoAP issued various government orders (GOs) from time to time (In references1 to 18, 21, and 22) to grant the right of way permissions for over ground and underground telegraph infrastructure in the AP State.

In the reference 19, the Government of India (GoI) issued the Indian Telegraph Right of Way Rules, and in reference 20, the GoI designated the Principal Secretary, Information Technology, Electronics & Communications (IT,E&C) Department, GoAP for RoW dispute resolutions in the State of AP.

2. **Definitions**

2.1. **State** means the State of Andhra Pradesh

2.2. **Licensee** means any person holding a license issued under Section 4 of the Indian Telegraph Act, 1885

2.3. **Telecom Service Provider (TSP)** means a licensee providing telephony services, including, inter alia, mobile phone services, internet and data transfer services etc.

2.4. **Infrastructure Provider (IP)** means infrastructure providers registered with Department of Telecommunications to set up telecom infrastructure in India.

2.5. **Applicant** means licensee/TSP including Infrastructure Provider (IP) category-1 authorized to establish and maintain assets such as dark fibres, Right of Way (RoW), duct space and overground and underground telegraph infrastructure for the purpose of granting the same on lease/ rent/ sale basis to licensees of telecom service licensed under Section 4 of the Indian Telegraph Act 1885 on mutually agreed terms and conditions.

2.6. **Fees** means administrative fees, permission charges, usage fees, utility fees as prescribed in these guidelines or any other tax or levy etc. that may be

payable under any law; The fees or annual charges does not include Goods and Service Tax (GST), Labour cess and other applicable taxes.

2.7. Permission means any permission pertaining to these Guidelines for Telegraph Infrastructure.

2.8. Administrative Authority means the competent authority of a Government premise to issue clearances/permissions as per provisions of these Guidelines.

2.9. Areas means areas under the jurisdiction of appropriate competent/appropriate authority as outlined in these guidelines.

2.10. Local Body means the Gram Panchayats, Nagar Panchayats, Municipalities and Municipal Corporations constituted as per the relevant Acts.

2.11. Municipal Corporation means any area notified under the Andhra Pradesh Municipal Corporation Act, 1955 by the State Government from time to time.

2.12. Urban Development Authority means any area notified under the Andhra Pradesh Metropolitan Region and Urban Development Authority Act, 2016.

2.13. Urban Areas means all areas within a Nagar Panchayat or Municipality or Municipal Corporation.

2.14. Rural Areas means all areas except within Urban areas as defined above.

2.15. Competent/ Appropriate authorities means the designated officers for the purpose of giving the permission for setting up Telegraph infrastructure as mentioned below:

#	Area	Urban/ Rural	Department	Competent/ Appropriate authorities
1	Municipal Corporation	Urban	MA&UD	Commissioner
2	Municipality/ Nagar Panchayat	Urban	MA&UD	Municipal Commissioner
3	Urban Development authority	Urban	MA&UD	Metropolitan Commissioner/ Vice Chairman
4	Gram Panchayat	Rural	PR&RD	Panchayat Secretary
5	Private properties including land/ buildings outside Municipality area or Master Plan or Scheme Area or Town Committee Area	Rural	PR&RD	Panchayat Secretary
6	State Government owned property including land/ buildings lying outside the Municipality area or Master Plan or Scheme Area or Town Committee Area	Rural	All departments	Panchayat Secretary
7	Roads under the State Government (R&B roads)	Urban & Local	R&B	Superintendent Engineer (SE)/ Executive Engineer (EE)
8	Roads under the State Government (PR roads)	Rural	PR Engineering	Superintendent Engineer (SE)/ Executive Engineer (EE)
9	Overhead Electric	Urban &	APEPDCL	Superintendent Engineer (SE)/

#	Area	Urban/ Rural	Department	Competent/ Appropriate authorities
	alignment (Poles etc)	Rural	APCPDCL APSPDCL	Executive Engineer (EE)
10	Overhead Electric alignment (Poles/towers etc)	Urban /Rural	APTRANSCO	Superintendent Engineer (SE)/ Executive Engineer (EE)
11	Forest land/ Protected Area Networks	Urban /Rural	Forest Department	Divisional Forest Officer (DFO) (Territorial)/ Divisional Forest Officer (Wildlife)
12	District Head Quarters	Urban	Revenue Department	District Collector/Joint Collector/DRO
13	Street Furniture on the Government Buildings/Structures/ any other structure or contrivance of such nature established over the property of an competent/appropriate authority.	Urban /Rural	APSRTC, R&B, Tourism (YA&TC), Energy, CDMA, PR&RD etc	HoD of respective Department or his/her nominated official

2.16. Master Plan Area means any area notified for development by the State Government from time-to-time covering town/ towns and their adjacent outgrowths.

2.17. Scheme Area means any area notified for preparing a scheme by State Government from time to time.

2.18. Telegraph Infrastructure means the 'overground telegraph infrastructure' and 'underground telegraph infrastructure'.

2.19. Overground telegraph infrastructure means a telegraph, or a telegraph line established over the ground and includes posts or other above ground contrivances, appliances, and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.

2.20. Underground telegraph infrastructure means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.

2.21. Micro Communications Equipment means a Pico/ Micro/ Pole site which is small in size and light in weight, deployed on buildings, utility/ streets poles, street furniture, indoors in large buildings viz. malls, convention centres and in areas having space constraints, narrow streets, densely populated areas and open public spaces.

2.22. Public Grievance means grievances of public relating to installation of overground telegraph infrastructure and underground telegraph infrastructure.

2.23. Duct means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.

2.24. Mobile Tower means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole.

2.25. Pole means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile overground telegraph infrastructure.

2.26. Small Cell means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilo meters.

2.27. Street furniture means post/pole used for electricity, Street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure on contrivance of such nature established over the property of an competent/appropriate authority.

2.28. CBuDmeans, Call Before U Dig, a mobile application (app) developed by Department of Telecommunications (DoT) which is an interface for excavating agencies/contractors to alert/inform existing utility assets about their upcoming excavation route. The moment an excavation agency indicates an excavation the local officer of all asset owners whose contract details are mapped in that region will be instantaneously alerted via short message service (SMS) or email by CBuD with contact phone of the excavation agency. The local officer is expected to contact the excavation agency and jointly ensure that excavation is done without damaging the underground utilities. A suitable online portal is being developed for the same.

2.29. Guidelines means the Andhra Pradesh Right of Way (RoW) Guidelines 2023, unless otherwise stated.

3. Objectives

3.1. To streamline the process of applications and granting of permission for installation of Underground and Overground Telegraph infrastructure in a time bound manner.

3.2. To increase Telecom penetration to the Gram Panchayat (GP) level.

3.3. To enable reliable, affordable, high-quality telecommunication and internet services to the citizens.

3.4. To enable high-speed and high-quality broadband access to the rural areas by leveraging technology.

3.5. To encourage the adoption of green and citizen friendly Telecom sites through the use of renewable energy sources, light weight towers and silent Diesel Generators (DG).

3.6. To encourage Local Cable Operators (LCOs) to provide internet connectivity to the last mile at the gram panchayat (GP) level.

3.7. To create awareness related to radiation from Telecom equipment.

4. Applicability of Guidelines

These Guidelines are applicable to all the Urban Local Bodies (ULBs) including Nagar Panchayats, Municipalities, and Municipal Corporations and to all the Gram Panchayats constituted under the relevant Acts.

5. Coordinating Department for implementing the Guidelines.

The IT,E&C department shall act as the Coordinating department from the Government of Andhra Pradesh for implementing these Guidelines

6. State Level and District Level Telecom Committees for implementing the guidelines.

6.1. State Level Telecom Committee (SLTC)

Government reconstituted the State Broadband Committee vide G.O.Rt.No.12 dated 25.03.2021 and the composition of the State Broadband Committee is as follows:

#	Designation	Affiliation
1	Chief Secretary to Govt.	Chairperson
2	Spl. C.S. to Govt., EFS&T Dept.	Member
3	Prl. Secretary to Govt., PR&RD Dept.	Member
4	Prl. Secretary to Govt., TR&B Dept.	Member
5	Prl. Secretary to Govt., MA&UD Dept.	Member
6	Prl. Secretary to Govt., IT,E&C Dept.	Member
7	Managing Director, Andhra Pradesh State Fibernet Limited (APSFL)	Member
8	Advisor/ Senior DDG of DoT working in the Licensed Service Area (LSA)	Member Convener
9	CGM, AP Circle, Bharat Sanchar Nigam Limited (BSNL)	Special Invitee
10	CGM, Bharat Broadband Network Limited (BBNL)	Special Invitee
11	Representative from Cellular Operators Association of India (COAI)	Special Invitee
12	Representative from Digital Infrastructure Providers Association (DIPA)	Special Invitee

6.2. Functions of SLTC:

6.2.1. To advise, either suo-moto or on a request from the Governing Council or Steering Committee of National Broadband Mission (NBM) on the matters relating to accomplishment of the objective of the Mission concerning the State.

6.2.2. To facilitate implementation of the guidelines issued by Governing Council or Steering Committee of National Broadband Mission (NBM) enabling expansion of Broadband services for the socio-economic development of the State.

6.2.3. To address all matters regarding Digital Communications Readiness Index (DCRI).

6.2.4. Monitoring and evaluation of the work of Mission pertaining to the State.

6.3. District Level Telecom Committee (DLTC)

Government constituted a District Level Telecom Committee (DLTC) vide G.O. Rt. No. 12 dt 25.03.2021 under the chairmanship of the District Collector with the following members, in order to deal with the public grievances related to implementation issues of the National Broadband Mission:

#	Designation	Affiliation
1	The District Collector	Chairman
2	The Superintendent of Police (SP)	Member
3	The Joint Collector (V & WS and D)	Vice chairman
4	The District Revenue Officer	Member Convener
5	The District/Divisional Forest Officer (DFO), Forest Department	Member
6	The District Panchayat Officer	Member
7	The Chief Executive Officer, Zilla Parishad	Member

#	Designation	Affiliation
8	The Commissioner or Executive Officer of the concerned ULBs in the District	Member
9	The Superintendent Engineer, R&B	Member
10	The Superintendent Engineer, Panchayat Raj	Member
11	The Superintendent Engineer of Respective DISCOM	Member
12	The District head of BSNL	Member
13	The Circle Head of each Telecom/Infrastructure Service Provider	Member
14	Representative of TERM Cell, Department of Telecom (DoT)	Member

6.4. Functions of DLTC:

6.4.1. The District Level Telecom Committee shall deal with the public grievances relating to installation of overground telegraph infrastructure in the District/Municipal area and to convene meeting and resolve the public grievances in a time bound manner within 30 days of the complaint.

6.4.2. The recommendations of District Level Telecom Committee (DLTC) shall be adhered to by Municipal Corporation/ Municipality/ Nagar Panchayat/ Gram Panchayat, or any other authority related to the subject in the district. The District Level Telecom Committee (DLTC) shall nominate Assistant Divisional Engineer Telecom (ADET) (Rural)/ Assistant Directors (ADs) from Rural and compliance, Andhra Pradesh Licensed Service Area (AP LSA), Department of Telecommunications (DoT) as nodal officers to coordinate on the public grievances with District level Telecom Committee.

7. Categories of Telegraph infrastructure

Telegraph infrastructure means the Over ground and Underground telegraph infrastructure as defined in Indian Telegraph Right of Way Rules, 2016 and subsequent amendments issued by DoT to Indian Telegraph Right of Way (ITRoW) Rules in 2017, 2021 and 2022 which includes

7.1. Underground Telegraph Infrastructure
7.2. Overground Telegraph Infrastructure

8. Online portal for applications

8.1. The Department wise RoW portals for according online permissions are being operational and a common dashboard is being developed (https://row.ap.gov.in). These portals are integrated with Gatishakti Sanchar single window portal of the Government of India. An application for online approval of DGPS survey application, before entering the details in PARIVESH portal, is being developed as a part of RoW portal.

8.2. The Forest Department also is having a portal (PARIVESH, GoI) developed by NIC.

8.3. Every application for permission under these rules shall be made by the applicant/licensee on an electronic portal developed by the Central/State Government.

9. Application by an Applicant for underground telegraph infrastructure

9.1. The applicant shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any competent/appropriate authority, make an application, supported by such documents, to that authority in such form and manner as may be specified by that competent/appropriate authority.

10. Supporting documents to be submitted by the applicant for establishment and maintenance of Underground Telegraph Infrastructure.

10.1. Copy of the license granted by the Central Government.
10.2. Details of the underground telegraph infrastructure proposed to be laid.
10.3. Mode and time duration for execution of the work
10.4. Time of day when work is expected to be done in case the applicant expects work to be done during specific time of the day.
10.5. Details of expenses that such competent/appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the applicant.
10.6. Inconvenience that is likely to be caused to the public and specific measures proposed to be taken to mitigate such inconvenience.
10.7. Specific measures proposed to be taken to ensure public safety during the execution of the work.
10.8. No Objection Certificate (NOC) from private owner for use of their land for the Optical Fiber Cable (OFC) laying
10.9. Names and contact details of the representative of the applicant, connected with or relative to the work proposed to be undertaken.
10.10. Key map showing the location of road cutting.
10.11. Detailed drawing showing the plan of the proposed laying of the underground telegraph infrastructure with measurements.
10.12. Method of restoration
10.13. Any other matter relevant in the opinion of the applicant, connected with or relative to the work proposed to be undertaken.
10.14. Any other matter connected with or related to the work as may be specified, through a general or special order by the Central Government or State Government or appropriate competent/appropriate authority.
10.15. The applicant, while making the application, give a specific commitment on whether it undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the competent/appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

11. Fee structure for Underground telegraph Infrastructure:

11.1. Every application shall be accompanied with fee to meet administrative expenses for examination of the application and the proposed work as the competent/appropriate authority may, by general order, deem fit.
11.2. The fee to meet administrative expenses shall not exceed the amount specified at Part-I of Annexure-2.

12. Grant of Permission by competent/appropriate authority for underground telegraph infrastructure

12.1. For enabling smooth rollout and for granting timely permission for laying of underground telegraph infrastructure, the RoW procedures for various authorities under their control have been outlined in these Guidelines.
12.2. As far as practicable, competent/appropriate authorities shall allow the use of machinery for the purpose of installation of underground telegraph infrastructure. Open cutting of the main carriageway (roadway) in transverse

direction is not allowed in Municipalities and Corporation areas, except under exceptional circumstances and Horizontal Direction Drilling (HDD) method shall be allowed for crossing the road. Open cutting may be allowed in longitudinal direction of the road.

12.3. Process of application:

12.3.1. For projects of national importance leading to creation of national assets funded by the Government of India, such as BharatNet, National Optical Fibre Network (NOFN) etc., the Nodal Department may be approached.

12.3.2. For other purposes, the applicant will apply to the respective competent/appropriate authority for permission.

12.4. The applicant shall have no right on the property which has been approved to use for the establishment and maintenance of the underground telegraph infrastructure.

12.5. The applicant will be liable for the repair/ restoration of any damage caused to the property during implementation of the scheme. The applicant shall ensure making good the excavated trench for laying underground telegraph infrastructure by proper filling and compaction, so as to restore the land including roads, drain, water pipelines, stand posts, reservoirs, water treatment plants and any other damaged public infrastructure into the same condition as it was before digging the trench, clearing the debris/ loose earth produced due to the execution of trenching the portion for which RoW has been granted. Such repairs/ restoration works shall be carried out according to the instructions of the concerned competent/appropriate authority. The concerned officials may supervise the execution of work to ascertain if the conditions imposed in the grant of permission are observed by the applicant.

12.6. The applicant shall not claim exclusive right on the RoW and subsequent user will be allowed to use the RoW either above or below or by the side of the utilities laid by the first user, subject to technical requirements being fulfilled.

12.7. In case of violation of provisions of the Guidelines by any service provider, the competent/appropriate authority will issue a show cause notice to the service provider with a copy to the Licenses Service Area (LSA) Unit of DoT. In case a satisfactory reply is not received within 15 days of the issuance of the show cause notice, the permission/ no objection issued to the service provider will be cancelled.

12.8. The competent/appropriate authority shall examine the application with respect to various factors including, but not limited, to:

12.8.1. The route planned for the proposed underground telegraph infrastructure and the possible interference either in the establishment or maintenance of such infrastructure, with any other public infrastructure that may have been laid along the proposed route.

12.8.2. The mode of execution.

12.8.3. Time duration for execution of the work and the time of day that the work is proposed to be executed.

12.8.4. Estimation of expenses that the competent/appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

12.8.5. Responsibility for restoration of any damage that the competent/ appropriate authority may necessarily be put in consequence of the work proposed to be undertaken.

12.8.6. Assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the applicant.

12.8.7. Any other matter connected with or related to the establishment or maintenance of underground infrastructure, through a general or special order, by the Central Government, appropriate State Government, or the competent/appropriate authority.

12.9. No RoW permissions shall be accorded during Monsoon period of each year i.e. 1st July to 15th September. However, in case of any urgency, the restoration charges levied shall be 2.5 times more than the normal charges.

12.10. The amount received towards road cutting restoration charges/ RoW permission fee shall be credited to the respective approving Government department account. The Central Portal will remain common for the sake of submission of application and issue of the approvals. However, the fees will be credited to the respective approving State Government department account.

12.11. Preferably, the underground infra structures shall be laid at the extreme edge of row of the Road.

12.12. The underground infrastructure shall not be laid in the formation/berm portion of highway/ Road except where it is specially approved by the authority.

12.13. The competent/appropriate authority shall be entitled to receive such compensation from the applicant, not exceeding the amount specified in Part-III of Annexure-2, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the competent/appropriate authority.

12.14. The competent/appropriate authority shall within a period not exceeding thirty (30) days from the date of application made under clause 9.1.

12.14.1. grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and payment of restoration charge, not exceeding the amount specified in Part-II of Annexure-2

Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only.

or

12.14.2. Reject the application for reasons to be recorded in writing

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection

Provided further that the permission shall be deemed to have been granted if the competent/appropriate authority fails to either grant permission under clause 12.14.1 or reject the application under 12.14.2; and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

12.15. However, in forest areas, the competent/appropriate authority (DFO) shall be bound by the time frame given in the SLAs as per the Forest Conservation Act in processing the application.

12.16. Where the competent/appropriate authority accepts the undertaking by the applicant to discharge the responsibility to restore the damage that such competent/appropriate authority shall necessarily be put in consequence of the work, the competent/appropriate authority, while granting permission under clause 12.14.1, may seek a bank guarantee for an amount, not exceeding the amount specified in Part-II of Annexure-2, in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

12.17. The competent/appropriate authority shall not charge any fee and compensation other than those prescribed under clauses 11.2, 12.13 and 12.14.1 from the applicant for establishing, maintaining, working, repairing, transferring or shifting underground telegraph infrastructure.

13. Implementation procedure for underground telegraph infrastructure

13.1. The service provider will start the work after fulfilling all the conditions outlined in these guidelines. The service provider will have to inform the date of start of the work to the concerned competent/appropriate authorities as the case may be.

13.2. If any damage is caused to the Government property by the work of the applicant, then it will be the responsibility of the applicant to restore the same at its own cost or compensate for the damage. If delivery of service is affected, then the applicant must restore the service within 24 hours and the applicant will have to carry out the work according to the instructions of the concerned competent/appropriate authorities.

13.3. In case the competent/appropriate authority intends to increase the width of the road then the applicant will have to shift the trench dug by it to the safe distance on its own cost at the place suggested by the competent/appropriate authority.

13.4. The applicant shall inform the concerned competent/appropriate authority 3 days in advance about repair or maintenance work in cases where such maintenance is planned in advance.

13.5. If the private land or structures are to be used in this work, then the Applicant has to give compensation for the private land or the crop as the case may be. In case of any conflict, the decision of the competent/appropriate authorities shall be binding on both parties.

14. Permanent ducts constructed by the State agencies along roadside for establishing underground telegraph Infrastructure.

14.1. The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts.

14.2. The applicant shall pay utility fees for using the duct constructed by the State agencies along highways, main roads and district roads or other relevant areas. The fees will be decided by the State Government from time to time.

14.3. The ducts shall be made shareable with other operators/ service providers.

14.4. The permission to use such ducts shall be under the purview of the concerned competent/appropriate authority.

14.5. No applicant shall be allowed to undertake separate digging along roadside in the same alignment in which the permanent ducts have been provided.

14.6. No Bank Guarantee shall be collected from the applicant if they use the State agency ducts to lay the underground telegraph Infrastructure.

14.7. Utility fees /rent to use such ducts built up by the State Government, shall be decided by the State Government from time to time.

15. Obligations of applicant in undertaking work for underground telegraph infrastructure

15.1. The applicant shall make the payment of expenses or submit the bank guarantee as determined by the competent/appropriate authority within a period of thirty (30) days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure.

Provided that the competent/appropriate authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the applicant seeking such extension.

15.2. The applicant shall ensure that:

15.2.1. Prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and

15.2.2. The work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the competent/appropriate authority.

15.3. The applicant shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the competent/ appropriate authority to obtain real time information on its location by using the Call Before u Dig (CBuD) application.

16. Powers of competent/appropriate authority for issuing permissions for underground telegraph infrastructure.

16.1. The competent/appropriate authority, as defined in these guidelines, will receive, and scrutinize the applications for issue of permit in their respective areas for the establishment of Telegraph infrastructure.

16.2. The representative competent/appropriate authorities will receive the application from the licensed TSP/ IP along with the requisite documents and administrative fees to give the permission for establishment of overground and underground telegraph infrastructure under their jurisdiction and Telegraph infrastructure.

16.3. The competent/appropriate authorities will then scrutinize the application and check the compliance and requirements as per these guidelines.

16.4. The competent/appropriate authorities shall communicate to the applicant about any further requirement in compliance for the issue of permission.

16.5. The concerned competent/appropriate authorities will issue the permit within the specified time frame as mentioned in these guidelines.

16.6. A periodical monitoring and review of the overground and underground telegraph infrastructure or any other activities relating to the telegraph infrastructure shall be undertaken.

16.7. The competent/appropriate authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under clause 12.14.1 are observed by the applicant.

16.8. The competent/appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

16.9. If the competent/appropriate authority comes to the conclusion that the applicant has wilfully violated any of the conditions for grant of permission under clause 12.14.1, it may forfeit, in full or in part, the bank guarantee submitted by the applicant and withdraw the permission granted to the applicant, for reasons to be recorded in writing

Provided that no action shall be taken under this sub-rule unless the applicant has been given an opportunity of being heard.

17. Application by an Applicant for overground telegraph infrastructure

17.1. The applicant shall, for the purposes of establishing overground telegraph infrastructure, upon any immovable property vested in or under the control or management of any competent/appropriate authority, make an application,

supported by such documents, to that appropriate competent/authority in such form and manner as may be specified by that competent/appropriate authority.

18. Supporting documents to be submitted by the applicant for establishment and maintenance of Overground Telegraph Infrastructure

18.1. A copy of the license granted by the Central Government.

18.2. The nature and location, including exact latitude and longitude, of post or other above round contrivances proposed to be established.

18.3. The extent of land required for establishment of the overground telegraph infrastructure.

18.4. The details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed.

18.5. The copy of approval issued by the duly authorized officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves.

18.6. The mode of and the time duration for, execution of the work.

18.7. The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience.

18.8. The measures proposed to be taken to ensure public safety during the execution of the work.

18.9. The detailed technical design and drawings of the post or other above ground contrivances.

18.10. Certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure.

18.11. Certification, by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be
established on a building.

18.12. The names and contact details of the employees of the applicant for the purposes of communication in regard to the application made.

18.13. Copy of soil test report for Ground Based Tower (GBT).

18.14. Copy of the type test certificate issued by any authorized agency to the manufacturers of the diesel generator (DG) sets, if the DG sets are to be installed at the site.

18.15. Indemnity bond (original) to take care of any loss or injury to accident caused by the overground telegraph infrastructure except for reasons of force majeure (including declaration to the effect that the applicant will take necessary precautions for fire safety and lightning, and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising there from).

18.16. Copy of Standing Advisory Committee for Frequency Allocation (SACFA) clearance/ application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/ rejection, TSPs/ IPs will take corrective actions/ remove the overground telegraph infrastructure.

18.17. Any other matter relevant, in the opinion of the applicant, connected with or relative to the work proposed to be undertaken; and

18.18. Any other matter connected with or relevant to the work as may be specified, through a general or special order, by the Central Government or State Government or appropriate local authority.

Provided that the documents mentioned in clauses 18.2, 18.3, 18.5, 18.9, 18.10, 18.11 shall not be required in case of application made for establishment of overground telegraph line

Provided further that the documents related to route plan for establishment of overground telegraph line shall be required to be provided by the applicant with the application made for establishment of overground telegraph line.

18.19. Every application under clause 17.1 shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the competent/appropriate authority may, by general order, deem fit.

Provided that the one-time fee, to meet administrative expenses, accompanying every application shall not exceed the amount specified in Part-I of the Annexure-2.

19. Grant of Permission by competent/appropriate authority for Overground telegraph infrastructure

19.1. The competent/appropriate authority shall examine the application with respect to the following parameters, namely: -

19.1.1. The extent of land required for the overground telegraph infrastructure.

19.1.2. The location proposed.

19.1.3. The approval issued by the duly authorized officer of the Central Government for location of the above ground contrivances proposed to be used for transmission of Radio waves or Hertzian waves.

19.2. The mode of and time duration for execution of the work.

19.3. The estimation of expenses that the competent/appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

19.4. Assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the applicant.

19.5. Certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure.

19.6. Certification, by a structural engineer, of the structural safety of the building on which the post or other above ground contrivances is proposed to be established.

19.7. Any other matter, consistent with the provision of the Act and these rules, connected with or related to the laying of overground telegraph infrastructure, through a general or special order or guidelines by the Central Government, appropriate State Government or the appropriate local authority:

Provided that the parameters mentioned in clauses 19.1.1, 19.1.2, 19.1.3, 19.5 and 19.6 shall not be necessary for examination of the application made for establishment of overground telegraph line:

Provided further that the competent/appropriate authority shall examine the route plan for the proposed overground telegraph line and the possible interference in regard to the establishment or maintenance of such overground telegraph line with regard to any other public infrastructure that may have been laid along the proposed route.

19.8. The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.

19.9. Where the establishment of the overground telegraph infrastructure renders the immovable property, vested in the control or management of any

competent/appropriate authority over which such overground telegraph infrastructure is established, unlikely to be used for any other purpose, the competent/appropriate authority shall be entitled to compensation for the value of the immovable property, either once or annually, assessed on such rates as that competent/appropriate authority may, by general order, specify.

Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Annexure-2.

19.10. The appropriate authority shall, within a period not exceeding thirty (30) days from the date of application made under clause 17.1 -

19.10.1. grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge, not exceeding the amount specified in Part-II of the Annexure-2, or compensation, as specified in clause 19.9; or

19.10.2. reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant licensee has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the competent/appropriate authority fails to either grant permission under clause 19.10.1 or reject the application under clause 19.10.2 and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

19.11. However, in forest areas, the appropriate authority (DFO) shall be bound by the time frame given in the SLAs as per the Forest Conservation Act in processing the application.

19.12. The competent/appropriate authority shall not charge any fee and compensation other than those mentioned under clause 18.19, 19.9, 19.10.1 from the applicant for establishing, maintaining, working, repairing, transferring or shifting overground telegraph infrastructure.

19.13. The State Government, through the competent/appropriate authorities, will provide expeditious approval for setting up Telegraph infrastructure in the State as per the provisions of these Guidelines.

19.14. The permission wherever issued under these Guidelines to any applicant shall be co-terminus with the validity of the license/ registration certificate issued to the applicant by the DoT.

19.15. The applicant shall submit an application with all the relevant information mentioned along with enclosures to the office of the competent/appropriate authority for the area in which they intend to install the Telegraph infrastructure.

19.16. For all the existing Telegraph infrastructure in the State which are operational by the respective Telegraph operators, wherein formal permission has not been issued by the competent/appropriate authorities and application has not been submitted, shall be regularized upon submission of application as per provisions of these Guidelines. Such applications shall be submitted within six (6) months of issuance of these Guidelines, after which these Telegraph infrastructures shall be deemed to be unauthorized. Once the application is submitted within due date and time, the operations of the overground telegraph infrastructure shall not be discontinued till the disposal of the application by the competent/appropriate authority or the disposal of appeal (if any) filed before the competent authority, whichever is later. In case the permission has not been

granted within 30 days, the applicant shall re-approach the competent/appropriate authority after the 30th day from the submission of the complete application, on which the competent/appropriate authority is required to revert in next 15 days.

19.17. For all the entire existing Telegraph infrastructure in the State which have been abandoned by a telecom operator/ infrastructure provider/ applicant, the District Level Telecom Committee (DLTC) of the respective District shall have exclusive authority to take necessary action as deemed appropriate.

19.18. Electronic Magnetic Fields (EMF) are invisible areas of energy, often referred to as radiation, that are associated with the use of electrical power. The norms and mechanisms laid by DoT, modified from time to time regarding the levels and limitations of EMF Radiation are to be strictly followed by the service providers/ operators. The Applicant shall submit an undertaking in this regard along with the application and also get clearances from the Standing Advisory Committee for Frequency Allocation (SACFA) wherever applicable.

19.19. The rules to erect overground telegraph infrastructure in case of Water Bodies, Railways, Electrical Lines (HT/ LT lines), Airport, Airport funnel area Defence Establishments, Oil / Gas Pipelines, Heritage Structures, etc. shall follow as per the rules issued by the respective institutions/ organizations/ Departments /Ministries.These rules and restrictions shall be adhered to by all the licensed service providers (TSPs/ IPs) and applicants. Failure to comply with the same shall result in cancellation of permission and/ or levy of applicable penalties.

19.20. The Government and service providers shall together endeavour to hold community awareness programs, drives and initiatives to address the misconceptions regarding EMF radiations amongst the public. These programs shall also be a subject of review at SLTC/DLTC meetings.

19.21. The RoW for aerial OFC infrastructure shall not normally be encouraged. However, the use of overhead OFC shall be limited to temporary use and shall be as per the Telecommunications Engineering Centre (TEC) Guidelines on the subject.

19.22. The applicant will make the agreement with the concerned authority for the utilization of electric poles/ distributed network system.

19.23. The Energy department/ Distribution Companies (DISCOM) and local bodies shall not be held responsible for any loss to the overground telegraph infrastructure or the commercial operation loss to the applicant due to theft or for any other reason whatsoever. The responsibility for the safety of the overground telegraph infrastructure shall be entirely with the applicant.

19.24. The Applicant will submit application with the right of usage of the utility pole to the offices of competent/appropriate authority. Application along with documents as mentioned in these Guidelines shall be submitted in addition to the number of poles to be used and route chart.

19.25. If the route of aerial cabling is covering more than one jurisdiction, the Applicant will apply separately to the competent/appropriate authorities of the respective jurisdiction for issue of permit.

19.26. The Right of Way (RoW) guidelines of providing the permission for Over ground telegraph/ Aerial OFC infrastructure shall follow as per G.O.Ms.No.15, Energy, Infrastructure & Investment (Power.I) dept., dt. 11.06.2018 or as amended by Energy dept., from time to time.

19.27. The Government of Andhra Pradesh promotes the installation of micro-communication equipment where the installation of mobile towers i.e., **Ground Based Tower** (GBT), Roof Top Tower (RTT) and Roof Top Pole (RTP) may not be feasible.

19.28. The micro-communication equipment being small equipment can be installed on any type of land/ building/ zone across the State regardless of its

specified land use including but not limited to the premises listed herein: institutional/ Government buildings/ residential buildings including multi-storied buildings/ group housing complexes/ buildings used for industrial and commercial purposes/ on-street electric poles, telegraph poles and other structures.

19.29. The TSP/ IP shall submit completed application form along with relevant information and documents to the respective competent/appropriate authority for the concerned area in which they want to install the micro-communication equipment.

20. Usage of street furniture for installation of small cells and telegraph line

20.1. The applicant shall for the purpose of installation of small cell and telegraph line submit an application, along with details of street furniture and a copy of certification by a structural engineer authorized by appropriate authority, attesting to the structural safety of the street furniture where installation of small cells and telegraph line is proposed to be deployed, to the competent/appropriate authority for permission to use street furniture for installation of small cells and telegraph line.

20.2. The application under clause 20.1, shall be accompanied with such fee as may be determined by the competent/appropriate authority to meet administrative expenses for examination of the application, which shall not exceed the amount specified in Part-I of the Annexure-2.

20.3. The competent/appropriate authority shall, within a period not exceeding thirty (30) days from the date of application made, grant permission or reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the competent/appropriate authority fails to either grant permission or reject the application.

20.4. The competent/appropriate authority shall be entitled to receive such compensation from the applicant, not exceeding the amount specified in Part-III of the Annexure-2, for use of street furniture for installation of small cells and telegraph line, as may be determined by the competent/appropriate authority.

20.5. The competent/appropriate central/State authority may permit installation of small cells on their buildings and structures.

20.6. For the purposes of Clause 20.5, the "Competent/Appropriate central authority" means the Central/State Government or the authority, body, company or institution, incorporated or established by the Central/State Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such Government, authority, body, company or institution.

21. Establishment of telegraph infrastructure over private property:

21.1. Where the applicant proposes the establishment of overground telegraph infrastructure over any private property, the applicant shall not require any permission from the appropriate authority:

Provided that the private property shall not be in restricted area as defined in G.O. Ms. No. 146, MA&UD department dated 19.06.2015 (G.O. 18th read above).

Provided that in case of establishment of mobile tower or pole over a private building or structure, the applicant shall submit an intimation, in writing, to the competent/appropriate authority, prior to commencement of such establishment:

Provided further that along with the intimation, he shall also submit the details of the building or structure, where the establishment of mobile tower or pole is proposed, and a copy of certification by a structural engineer, authorized by the appropriate authority, attesting to the structural safety of the building or structure, where the mobile tower or pole is proposed to be established.

22. Obligations of applicant in undertaking work for Overground Infrastructure

22.1. The applicant shall ensure that:

22.1.1. Prior to the commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented.

22.1.2. The work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

22.2. The Applicant shall submit the bank guarantee within a period of thirty (30) days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure. The bank guarantee shall be released 12 months after completion of restoration by the service provider.

22.3. The Applicant shall ensure that prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented and the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the competent/appropriate authority.

22.4. The Applicant shall ensure provision of positional intelligence, through appropriate technology, like GIS map etc, of all underground telegraph infrastructure to enable the nodal department/ competent/appropriate authority to obtain real time information on its location by using the Call Before u Dig (CBuD) application.

22.5. The applicant shall furnish a completion certificate after installation of the infrastructure in compliance to these Guidelines.

23. Powers of competent/appropriate authority to supervise the work.

23.1. The competent/appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure to ascertain if the conditions imposed in the grant of permission under clause 19.10.1 are observed by the applicant.

23.2. The competent/appropriate authority may, on the basis of such supervision, impose such other reasonable conditions, as it may think fit.

23.3. If the appropriate authority comes to the conclusion that the applicant has willfully violated any of the conditions for grant of permission under clause 19.10.1, it may withdraw, for reasons to be recorded in writing, the permission granted to the applicant.

Provided that no action shall be taken under this sub-rule unless the applicant has been given an opportunity of being heard.

24. Right of competent/appropriate authorities for removal of underground and overground telegraph infrastructure

24.1. Right of competent/appropriate authorities for removal etc:

24.1.1. Where the competent/appropriate authority, having regard to circumstances which have arisen since the establishment of any underground or overground telegraph infrastructure under, over, along, across, in or upon, any immovable property vested in or under the control or management of that competent/appropriate authority, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the applicant, being the owner of such telegraph infrastructure, to remove or alter its location.

24.1.2. On receipt of the notice underClause 24.1.1, the applicant shall, forthwith and within a period of thirty (30) days, proceed to submit, to the competent/appropriate authority, a detailed plan for removal or alteration of such telegraph infrastructure.

24.1.3. The competent/appropriate authority shall, after examination of the detailed plan submitted by the applicant under clause 24.1.2, pass such orders as it deems fit:

Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time of not less than ninety days to the applicant for removal or alteration of such telegraph infrastructure:

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telegraph infrastructure shall be borne by the applicant.

25. Resolution of disputes

25.1. The Principal Secretary to Government, IT,E&C department, GoAP is appointed, as the Dispute Resolution Officer (DRO), vide Gazette 20th read above, for the State of Andhra Pradesh.

25.2. The Joint Collector (V,WS&D) shall act as the District Nodal Officer for resolution of disputes at the competent/appropriate authority level.

25.3. The officer designated by the by state Government shall determine the disputes referred to in clause 25.1 within a period not exceeding sixty (60) days in such manner as may be specified by the Central/State Government from time to time.

26. Penalties

26.1. If an Applicant violates any provision of these Guidelines, it shall be liable to be penalized as per following terms and conditions:

26.1.1. As soon as competent/appropriate authority comes to know that any provision has been violated, a show cause will be issued to TSP/IP. TSP/IP should reply within 15 days from date of service of notice.

26.1.2. If reply is not satisfactory, the TSP/ IP will be levied penalty as deemed fit. The penalty levied shall be recovered from the Bank Guarantee provided by the Applicant to any of the competent/appropriate authority in case the amount is not deposited within the time period specified by the competent/appropriate authority. Also, if warranted, the permission granted to the Applicant may be withdrawn.

27. CBuD mobile App process:

27.1. In the reference 32,**CBuD**means, Call Before U Dig, a mobile app is being developed by **DoT**, an interface for excavating agencies/contractors to underground asset owners, to alert/inform existing utility assets about their upcoming excavation route.

27.2. All Departments or utility agencies having underground infrastructure assets are directed to map their utility assets with GIS coordinates on PM Gatishakti NMP platform in different layers. BISAG-N & DPIIT, Ministry of Commerce coordinates the same.

27.3. All digging agencies are mandated to undertake digging activities only after prior intimation through "Call before u Dig" app and as per its terms and conditions.

27.4. While granting approval for any type of excavation anywhere in the state all state departments have to mention in the approval letter, "Any agency excavating public places/roads shall report the location on the CBuD app before commencing excavation in the state.

27.5. The moment an excavation agency indicates an excavation, the local officers of all asset owners whose contact details are mapped in that region will be instantaneously alerted via SMS or email by CBuD with contact phone number of the excavation agency.

27.6. The asset owner should coordinate with excavation agency to safeguard their assets.

27.7. Procedure for exercising of legal right to dig or excavate any property.

27.7.1. Any person desiring to dig or excavate in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph / other underground infrastructure or to interrupt or interfere with telegraphic communication and other services which has been duly placed in accordance with the provisions of the Act, shall give notice to applicant / asset owners through common portal, mobile app by submitting the information of such digging or excavation, prior to the commencement of such exercise.

27.7.2. The request shall include the name and address of the person exercising the legal right, agency details, contact details, date and time of start of the exercise, description and location of the exercise, and the reasons for such digging or excavation.

27.7.3. The applicant / asset owner shall, on submission of notice by the person, as expeditiously as possible provide through the common portal/ mobile app, the details of telegraph / underground infrastructure owned or control or managed by such applicant /department, falling under or over or along the property with which the person intends to deal in legal exercise of the right, along with precautionary measures for coordination in avoiding damages to the telegraph/underground infrastructure.

27.7.4. The person exercising legal right to dig or excavate shall take appropriate action on precautionary measures provided by the applicant.

27.7.5. In case no applicant/underground asset owner provides details within the prescribed time as per section 19(A) of the Indian Telegraph Act, 1885, the person having legal right to dig or excavate shall be free to dig or excavate the property thereafter.

27.8. Damage charges for breach of provisions of the rule.

27.8.1. Any person, who in exercise of legal right has dug or has excavated any property in such a manner causing damage to a telegraph infrastructure duly placed in accordance with the provisions of the Act shall be liable to pay the damage charges to the telegraph authority.

27.8.2. The damage charges shall be computed based on such expenses as may be incurred in restoring damages.

28. Miscellaneous

28.1. As the TSP/ IP are providing Telecom services, planned temporary power shutdowns to Telecom installations shall not be done without prior notice to the concerned TSP/ IP at least 15 days in advance.

28.2. The provisions of the Forest Conservation Act, 1980 and Rules made there under and the guidelines issued by GoI from time to time under the Forest Conservation Act, 1980 shall be applicable wherever the concerned competent/appropriate authority is the Divisional Forest Officer (Territorial)/ Divisional Forest Officer (Wildlife).

28.3. The last-mile Public Wi-Fi Hotspot service providers may leverage provisions under the framework of Prime Minister's Wi-Fi Access Network Interface (PMWANI). Details about the scheme are available at https://dot.gov.in/data-services/2826

28.4. The Government is aimed at providing better connectivity in tribal areas. The Right of Way (RoW) guidelines for providing the underground and overground telegraph infrastructure services in the tribal areas notified by the GoAP may follow as per the model tripartite agreement attached at **Annexure-1** or as amended by Tribal Welfare Department from time to time.

29. The Guidelines shall come into force with immediate effect.

30. This order issued with the concurrence of Finance Department vide U.O.No. FIN01-FMU0PC/59/2021-FMU-GAD-I dated: 19.05.2023;(Computer No: 1498206)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KONA SASIDHAR
SECRETARY TO GOVERNMENT

To
All the Spl. Secretaries/ Secretaries/ Prl. Secretaries/ Spl Chief Secretaries of AP Secretariat
All the HoDs in the State of Andhra Pradesh
All the District Collectors
All the Commissioners of Police/ Superintendent of Police

Copy to:
The PS to Chief Secretary to Government
The PS to Hon'ble Minister III&C, IT,E&C and SD&T

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure – 1

(to G.O.Ms.No.2 – IT,E&C Department -Dated 26.05.2023)

Model Tripartite Agreement for the provision of Telecom Infrastructure services in tribal areas.

AGREEMENT

This agreement entered into on ..... (dd-mm-yyyy) by and between Gram Sabha of ..... Village, of .....GP in .....Mandal of .....District, represented by its Vice President/Secretary of Gram Sabha, Sri ....ST, aged.....years..... resident of ..... Village of .....GP in .....Mandal. (hereinafter referred to as **Facilitating Agency**)

AND

..... Company duly registered under..... Act having its registered office at.....and having its administration office at..... (Herein after referred **Telecom /Tower Service Provider**) for the purpose of this contract, duly represented by **.....**, (Designation)

AND

AP State ST Cooperative Finance Corporation Ltd. (TRICOR), an entity of Tribal Welfare Department, Government of Andhra Pradesh represented by its MD Mr / Mrs..... ..... (hereinafter referred to as the **Intermediary Agency)**

Whereas the Telecom /Tower Service Provider is a company which has come forward for providing Telecom Infrastructure facility including installation of equipment for telecommunication networks in _____ (area).

Whereas the Facilitating Agency is a Gram Sabha which has taken decision to facilitate the Service Provider for installation of equipment of Telecom/Tower Infrastructure Project.

Whereas the AP TRICOR, is willing to operate as an Intermediary Agency to ensure the agreed payments made by the Telecom/Tower Service Provider, are credited to the accounts of the Facilitating Agency and Land Owned Entity.

Whereas the **"Land Owned Entity"** which expression shall whenever the context so requires mean and include the Individual landowners (Tribal or Non-Tribal) or authorized land holder including the Government Institutions, Government owned Corporations, Gurukulams, ITDAs, Local Self Government Institutions (Gram Panchayats, Mandal Praja Parishads, Z.P or any other Institution which is under the control of Government of Andhra Pradesh).

Whereas the Facilitating Agency shall assure the Telecom/Tower Service Providers to execute the Telecom Infrastructure Project services work without any difficulty after the Facilitating Agency obtaining a NOC from the concerned Institutions referred above as well as an MOU from the consenting Individual land owners.

Whereas The Government of Andhra Pradesh is committed to expedite the roll-out of the services on a fast track basis with a specific emphasis on ensuring wide network coverage, connectivity to various Governmental Organizations, various IT initiatives etc. For which Government sites / Quasi Government sites are required for setting up of Telecom/Tower Infrastructure by the Telecom/Tower Service Providers. This agreement is for the purpose of

providing Telecom/Tower Infrastructure in the Scheduled Areas of the State. The Telecom/Tower Service Provider shall undertake the installation of equipment for telecommunication networks in the sites earmarked for the purpose.

NOW, THEREFORE, THE PARTIES HEREBY AGREE as follows:

The Telecom/Tower Infrastructure project shall focus on the following aspects:

1. The Telecom /Tower Service Provider shall arrange the required Telecom/Tower Infrastructure material and also undertake the responsibility of installation of equipment of telecommunication networks in the sites held by the Facilitating Agency. The Telecom / Tower Service Provider during the agreement tenure may add / remove / replace / operate / maintenance all or any equipment /materials.

2. The Telecom /Tower Service Provider shall have access to use the space provided by the Facilitating Agency on 24X 7 basis.
3. The Facilitating Agency shall make available the earmarked sites (Base Station Tower sites) to the Telecom/Tower Service Providers for execution of the project without any intervention of any third party.

4. The Facilitating Agency shall continue to have control over the earmarked sites for the Telecom/Tower Infrastructure installed by the Telecom Service Provider. All the required electricity connections to be given to the Telecom/Tower Infrastructure Project shall be in the name of the Facilitating Agency and the Telecom Service Provider shall reimburse the electricity charges to Facilitating Agency.

5. The Telecom/Tower Service Provider shall pay the monthly consideration up to Rs 5.00 per SFT for which the March 2016 is the base year and in addition to it the Service Provider shall also pay the escalator factor of 5 % for block of every two years thereafter. This is fixed on the similar lines of the G.O.Ms.No.37, Finance (FMU-TR&B) Dept., dated 07.03.2016. The period of agreement is 20 years commencing from _____ and expiring on _____. Thus, the total amount payable to the Land Owned Entity will be calculated as of the date on which land was facilitated by the Facilitating Agency to execute the project.

6. The Telecom/Tower Service Provider shall also deposit the earnest money deposit (EMD) amount which is equivalent to two years rent payable to the Land Owned Entity.

7. The Telecom /Tower Service Provider shall also pay the amount to the Facilitating Agency 10 percent or Rs 1000 per month whichever is higher, over and above the consideration payable to the Land owned Entity to safeguard the interests of both the land owned entity as well as the Telecom Service Provider.

8. The Telecom/Tower Service Provider shall transfer the amounts mentioned in the points 5 to 7 to the account of Intermediary Agency, which shall within 24 hours on receipt of the amount, ensure transfer of the same amounts to the Land Owned Entity and the Facilitating Agency, respectively.

9. The Telecom/Tower Service Provider is not responsible for any delay /difference or dispute in the Intermediary Agency making payment to the Land Owned Entity or the Facilitating Agency, after it has transferred the amounts as per the agreement to the Intermediary Agency.

10. In the event of any difference amongst parties to this agreement, the same will be sorted out by negotiations/conciliation within 30 days from the date of reporting of such deviations by any one of the party subject to the provisions of AP Agency Rules 1924.

11. The Telecom/Tower Service Provider shall be responsible for the payment of all the documentation expenses for all the documents required to execute the project and also the expenses if any required.

12. The Telecom/Tower Service Provider in the event of exit from the agreement shall issue 60 (sixty) days' prior notice to Facilitating Agency and Intermediary Agency.

13. All the parties to this Agreement are bound to the terms and conditions of the same and if any party(s) to the Agreement breaches the terms and conditions, then aggrieved party made terminate this agreement after giving prior three month notice to the other parties, affording an opportunity to explain their position and the agreement shall stand terminated if the breach is not remedied during the notice period.

14. The Service Provider if required shall engage the local tribals in any the works of the project other than the works which required considering specific professional skills and provide employment to them.
15. Any dispute arising from the Agreement shall be resolved in the Agency Courts only.

For the Telecom/Tower Service Provider	**-For Intermediary Agency**	**-Facilitating Agency**
(Signature)	**(Signature)**	**Gram Sabha**

Place:

Date:

Witnesses:

1.
2.
3.

Annexure – 2

(to G.O.Ms.No.2 – IT,E&C Department -Dated 26.05.2023)

Fee, Charges for restoration and Compensation

<table>
<tr><th>#</th><th>Clause description</th><th>Amount / Rates</th></tr>
<tr><td colspan="3">Part-I-Fee</td></tr>
<tr><td>1a</td><td>For establishment of underground telegraph infrastructure</td><td>One thousand rupees per kilo meter</td></tr>
<tr><td rowspan="4">1b</td><td rowspan="4">For establishment of over ground telegraph infrastructure</td><td>(i) Ten thousand rupees for establishment of mobile towers</td></tr>
<tr><td>(ii) One thousand rupees per kilo meter for establishment of over ground telegraph line</td></tr>
<tr><td>(iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority.</td></tr>
<tr><td>(iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.</td></tr>
<tr><td>1c</td><td>For installation of small cells and telegraph line using the street furniture</td><td>No Charges (Nil)</td></tr>
<tr><td colspan="3">Part-II- Charges for restoration</td></tr>
<tr><td>2a</td><td>Departmental Restoration:
Establishment of underground telegraph infrastructure where undertaking is not given by the applicant to discharge the responsibility to restore the damages.</td><td>i. Sum required to restore immovable property as per the SSR rates prescribed by GoAP. Details are as follows:
<table>
<tr><th rowspan="2">S.No</th><th rowspan="2">Type of Road</th><th colspan="2">Restoration Charges per Running Meter (RM) (as per SSR 2022-2023)</th></tr>
<tr><th>Urban</th><th>Rural</th></tr>
<tr><td>1</td><td>BT Roads</td><td>Rs. 2508</td><td>Rs. 2467</td></tr>
<tr><td>2</td><td>CC Roads</td><td>Rs. 2319</td><td>Rs. 2274</td></tr>
<tr><td>3</td><td>WBM Roads</td><td>Rs. 1476</td><td>Rs. 1429</td></tr>
<tr><td>4</td><td>Foot paths / Paver Blocks</td><td>Rs. 1225</td><td>Rs. 1166</td></tr>
<tr><td>5</td><td>Shoulders / Berms</td><td>Rs. 424</td><td>Rs. 422</td></tr>
<tr><td>6</td><td>Beyond Toe of embankment for a cross section of 0.4mx1.2m</td><td>Rs. 137</td><td>Rs.137</td></tr>
<tr><td>7</td><td>Beyond Toe of embankment for a cross section of 0.5mx1.65m</td><td>Rs. 236</td><td>Rs. 234</td></tr>
<tr><td>8</td><td>Micro Trenching Technology for depth of 600 mm, 50 mm, width and install 3 to 4 ducts of 40 mm dia.</td><td>Rs. 50</td><td>Rs. 50</td></tr>
<tr><td>9</td><td>HDD Pits on Berm / Earthen Road formation (each pit of size 2mx1mx2m).</td><td>Rs. 764</td><td>Rs. 760</td></tr>
</table>
ii. The revision of above restoration charges will be in</td></tr>
</table>

#	Clause description	Amount / Rates
		accordance with revision of SSR by GoAP from time to time. The change in the restoration charges will be based on the prevailing SSR during that period. iii. The above fees are exclusive of GST and centage charges. GST at 18% is applicable on restoration charges. Centage charges at 16.5% will added on the total estimate, i.e., road cutting restoration charges + GST. The restoration work will be carried out entirely by the concerned department.
2b	**Self-restoration:** BG as security for performance in case of establishment of UG telegraph infrastructure where undertaking is given by the applicant to discharge the responsibility to restore the damages	20% of the sum required to restore immovable property, i.e., 20% of the amount/rates specified in S.No.2a (Part-II- Charges for restoration) of Annexure-2 (Fee charges for restoration and Compensation table) of this guidelines.
2c	Establishment of over ground telegraph infrastructure	Sum required to restore immovable property as per the SSR rates prescribed by GoAP.
Part-III-Compensation		
3a	Establishment of underground telegraph infrastructure	No Charges. (Nil)
3b	Establishment of poles for installation of small cells and telegraph line	No Charges. (Nil)
3c	Usage of street furniture for installation of small cells and telegraph line	(i) Small cells: Three hundred rupees (Rs 300/-) per annum for urban area and one hundred and fifty rupees (Rs. 150/-) per annum for rural areas per street furniture. (ii) Telegraph line: Municipalities and Municipal corporations - Rs.50/- per pole per month (Rs. 600/- per annum) and Mandal headquarters and rural areas - Rs.35/- per pole per month (Rs. 420/- per annum)

Note: The above charges are exclusive of GST, labour cess and other applicable taxes.

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